



## Courthouse Seismic Evaluations Set Stage for Transfer Talks

CLIFFORD HAM

A new report released as part of the judicial branch's seismic assessment program offers insight into the earthquake readiness of California courthouses. The report is one of many steps in the transfer of ownership of and management responsibility for trial court facilities from counties to the state.

### STUDY PART OF TRANSFER NEGOTIATIONS

*Superior Courts of California—Seismic Assessment Program: Summary Report of Preliminary Findings* documents the preliminary findings of the judicial branch's seismic assessment program. The Administrative Office of the Courts' Office of Court Construction and Management (OCCM) developed the program in accordance with the Trial Court Facilities Act of 2002 (Sen. Bill 1732 [Escutia]). The act sets forth the seismic criteria buildings

must meet (or make provisions to meet) to be eligible to transfer from the counties to the state.

### WHO DID THE ASSESSMENTS?

OCCM engaged a supervising structural engineering firm—Rutherford & Chekene Consulting Engineers in Oakland—to administer the program and direct the efforts of the eight firms that assessed the buildings. The engineers who made the assessments are all highly experienced in seismic evaluation, and several are prominent in the development of codes and standards for seismic evaluation and retrofitting. The report describes how they conducted their assessments, the basic nature of building performance in seismic events, and the varied approaches reflected in building codes and used by professional organizations to measure and categorize that performance.

### MEASURING SEISMIC RISK

In accordance with the Trial Court Facilities Act, some court facilities were exempt from the study. Those included leased, abandoned, modular, and storage facilities; smaller buildings with minor occupancy by the court; and facilities constructed under recent building codes.

For the remaining buildings, the act specifies that the seismic evaluations be conducted according to procedures developed by the California Department of General Services. Each structure was assigned a seismic risk level from I to VII

(I representing the best performance and VII representing the worst performance). The act further specified that risk levels V–VII represented “unacceptable seismic safety ratings,” and these deficiencies would have to be addressed before the buildings could be transferred to the state.

### NOTEWORTHY FINDINGS

A total of 225 buildings—some comprising multiple segments, which brought the total to 300 structures—were assigned preliminary risk level ratings. Of the 300 structures in this assessment program, 72 were assigned preliminary ratings of level IV or better, and 147 had ratings of level V or worse.

Eighty-one structures were assigned to the “pending” category. During the evaluation process, engineers concluded that for certain structures the drawings made available were inadequate for a full evaluation or that there was a need for analysis beyond that prescribed in the program. Although all 81 of these structures were initially assigned preliminary risk levels, OCCM decided to simply classify them as “pending” until more information was gathered about them.

“Knowledge of California’s seismicity and building response to earthquake shaking is constantly evolving, and the criteria for determining acceptable levels of risk are generally conservative,” says Bill Holmes, a principal of Rutherford & Chekene, who was the supervising structural engineer for the program.



“So it is not surprising that many of the older buildings received ratings below the acceptable threshold.”

### QUALIFICATIONS OF FINDINGS

The study cautioned that court facilities are no more or less vulnerable to seismic events than other buildings of similar age and construction type. Engineers involved in the study advise that this assessment program, as well as programs conducted by the federal government, other state agencies, universities, and cities, have all found that the majority of older buildings fail to meet prevailing seismic evaluation standards and may represent an unacceptable risk in a “design earthquake.” The report notes that these risk levels are not

*Continued on page 6*

## IN THIS ISSUE

COURTHOUSE SEISMIC REPORT .....	1
EARLY MEDIATION PROGRAMS .....	1
MESSAGE FROM THE CHIEF JUSTICE .....	2
JUDICIAL COUNCIL ACTION .....	3
STATEWIDE PRO PER PLAN .....	3
IN THE NEWS .....	4
NATIONAL PRO PER CONFERENCE .....	5
MOVERS AND SHAKERS .....	5
ARANDA AWARD RECIPIENT .....	6
COLLABORATIVE JUSTICE UPDATE .....	7
CJAC 2004 REVISITED .....	8
Q&A WITH JUDGE STRAUSS .....	9
TALKING POINTS .....	10
CRIME AND PUNISHMENT .....	11
BROWN V. BOARD EVENTS .....	11
COMMITTEE NOMINATIONS .....	12
EDUCATION & DEVELOPMENT .....	13
RESOURCES .....	13
COURT BRIEFS .....	14
JUDICIAL APPOINTMENTS .....	15
MILESTONES .....	15
AOC-TV GUIDE .....	15
CALENDAR .....	16

## Mediation Successes

BLAINE CORREN

A new report from the Administrative Office of the Courts (AOC) finds that early mediation programs benefit both litigants and the courts. According to the report, these programs can reduce trial rates, disposition times, and pretrial hearings; decrease costs in cases that settle at mediation; and increase litigants’ overall satisfaction with court services.

### LEGISLATURE CALLS FOR PILOT PROGRAMS

Authorized and funded under legislation adopted in 1999, the early mediation pilot programs were established to assess the benefits of early mediation of

civil cases. In accordance with the legislation, the judicial branch in early 2000 implemented pilot programs at the Superior Courts of Contra Costa, Fresno, San Diego, and Sonoma Counties. Under a followup statute enacted in early 2001, ten civil departments in the downtown branch of the Superior Court of Los Angeles County joined the pilot study.

Although the statute laid out the basic framework for the programs, it left considerable room for individual pilot program courts to determine the structure and procedures of their mediation programs. As a result, while the five pilot programs shared common features, they also var-

ied in many aspects, including the timing of case management conferences, the process for mediation referrals, the role of

*Continued on page 7*

**TECHGUIDE**  
FOR CALIFORNIA COURTS  
Spring 2004

A PUBLICATION OF THE CALIFORNIA CENTER FOR JUDICIAL EDUCATION AND RESEARCH  
EDUCATION DIVISION OF THE ADMINISTRATIVE OFFICE OF THE COURTS

Interview With Judge Brenda Harbin-Forte

**TechGuide Inside!**

The Center for Judicial Education and Research publication *TechGuide* offers information on how courts and judicial officers are using technology, as well as tips and tricks for computer users. *TechGuide* comes to its readers as an insert in *Court News*. See the center pages of this issue.



Chief Justice  
Ronald M.  
George

## MESSAGE FROM THE CHIEF JUSTICE

# State of the Judiciary

*Chief Justice Ronald M. George delivered his State of the Judiciary address to a joint session of the state Legislature on March 23 in Sacramento. His address focused on judicial branch funding, and he warned legislators that cuts to court budgets threaten public safety and services for families and children. Following is an excerpt from that address.*

What I hope to do today is highlight the vital but fragile position of the judicial branch in the basic infrastructure of government and the crucial role it plays in serving the people of our state. A strong and independent judicial system is not just another government program, nor is it a luxury to be afforded in good economic times and neglected when the state's revenues are down.

### INDEPENDENT JUDICIAL BRANCH

To understand the significance of a strong and independent judicial system, we need look no further than the United States Supreme Court's decision in *Brown v. Board of Education*, whose 50th anniversary we celebrate this year. How far we have come since that day when the high court unequivocally held that schools officially segregated by race could not be equal! Celebrations are planned and under way nationwide to provide an opportunity to remember what led to the decision and to consider its continuing impact on our nation. Events in our San Francisco judicial headquarters start on April 27, and statewide court events will culminate in a daylong symposium to be held here in Sacramento on May 17. The legacy of the momentous decision in *Brown v. Board of Education* should remind us of what it would be like to have a court system in which basic civil rights issues cannot be decided. That is not unthinkable. If resources are scarce, they first must go to criminal cases, which take precedence, and not enough may remain for courts to process the civil docket.

### COURTS VITAL TO DEMOCRATIC SOCIETY

Drastic reductions in resources require courts to ration their services among those who need them. Some who look to the court system in order to vindicate their rights simply will have to look elsewhere—but for most there will be nowhere else to go. Government without a functioning judicial system is not government as we know it, nor is it the type of government that the public expects and deserves. Our nation and our state were founded on the basic principle of liberty and justice for all. That principle cannot be realized if our courts cannot function and provide fair and accessible justice. . . .

### PUBLIC SAFETY THREATENED

Additional reductions and continued uncertainty about the long-term financial stability of our judicial system will negatively affect public safety. Other consequences will fall with particular weight on many of the most vulnerable members of society. Curtailing the services provided by the courts may be reflected as savings on an account ledger. But such savings will be illusory, because if court services shrink, the financial demands placed on the Legislature and the executive branch will expand for funding prisons, health and social services, and business development. In short, cutting the courts now will result in greater costs to government later.

An underfunded judicial system also will impede our state's economic recovery. If civil cases cannot be resolved in a reasonable time, or if court services decline so that public safety and security suffer, business establishments and individuals simply will go elsewhere. . . .

### STATEWIDE INITIATIVES IMPROVING SYSTEM

Statewide, we continue to work to improve the collection of fines, fees, and penalties imposed by the courts—not merely to increase revenue to the state but, just as importantly, to enhance respect for the rule of law. We are studying current court practices and working with the counties on this matter in order to develop more consistent and effective approaches. This is part of a national effort I am leading as president of the Conference of Chief Justices. . . .

We also continue to better integrate the use of technology in the courts. Resource limitations, however, have slowed down our ability to bring the archaic, incompatible

systems scattered across 58 counties at more than 450 courthouse sites up to reasonable performance levels and to enable them to communicate with each other, with the Administrative Office of the Courts, and with other justice-related agencies in state and local government. . . .

### CORE FUNCTIONS IN JEOPARDY

The consequences of such underfunding also extend to core court functions that directly affect public safety. For example, the Vallejo and Fairfield branches of the Solano Superior Court have a backlog of some 7,600 felony and misdemeanor cases that need to be updated in the case management system and reported to the California Department of Justice and the Department of Motor Vehicles. These backlogged cases date back to the first half of 2003. In Monterey County, it is not uncommon to have delays of four to six months in processing requests by the district attorney's office for copies of prior-conviction records needed for making charging decisions under the three-strikes law and driving-while-under-the-influence laws.

In fact, courts in every part of the state report delays in processing criminal conviction information and in transmitting reports on convictions, warrants, and warrant clearances to the Department of Justice and DMV. As a result, court processing is delayed when a case returns for postjudgment action, such as a probation violation. In Ventura County, arrest warrants are taking twice as long to process, impacting public safety. Prosecutors and defense counsel cannot obtain current information on defendants who are before the court. In short, incorrect or incomplete information increases the danger to the public. And individuals who have cleared outstanding warrants risk being stopped, arrested, and having their vehicles impounded because of stale information. . . .

### SERVICE DELAYS

The basic ability of courts to remain open for the people's business is being weakened by chronic underfunding. In Riverside, 3 court locations have been closed. In Los Angeles, 29 courtrooms already have been shut down. "Flexible Fridays," a program instituted in some courts to encourage government attorneys to take off one Friday a month without pay, has saved significant amounts—but as one observer noted: "The workload on Fridays doesn't go away, it just gets pushed off to other days." . . .

Some courts have shortened the public hours of clerks' offices, making it harder for individuals to file documents or obtain information. Some pressing matters are delayed—including potential life-saving measures such as obtaining a domestic violence or other restraining order—because long waits for service by court users, at times extending for days, have become common. Layoffs and staff furloughs mean fewer people available to respond to inquiries at the desk or by telephone. In some court locations, it has become almost impossible to get through by telephone.

In Riverside County, budget cuts already have doubled the time it takes to obtain a family law mediation appointment—a critical step in resolving custody and other disputes—from 45 days to 90 days following the initial filing. As a result, complaints about service delays and their impact have quadrupled, and the already overburdened mediation supervisor ironically now must spend almost a quarter of each week dealing with these complaints. . . .

### ENSURING ACCESS FOR ALL

One measure of a society is its ability to ensure public order and security while protecting the rights of the individual, no matter how weak or powerful. Courts stand at the forefront of this endeavor. If we abandon the goal of accessible justice for all, we surrender not only our court system but one of the most fundamental compacts of our democratic system of government. . . .

On behalf of our court system, I pledge to continue to work with you in this endeavor and to vigorously maintain our efforts to serve the public in a responsible, accountable, and effective manner.

Take  
Note

For the full  
text of the  
Chief Justice's  
State of the

Judiciary address, visit the  
California Courts Web site  
at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov/reference/soj0304.htm)  
[/reference/soj0304.htm](http://www.courtinfo.ca.gov/reference/soj0304.htm).



## Judicial Council Action

# Council Approves Posting of High-Profile Case Records

At its February 27 meeting the Judicial Council adopted an interim rule to allow superior courts to provide Internet access to records in high-profile criminal cases under specified circumstances.

The interim rule, effective immediately, allows trial courts to post documents electronically in cases where an extraordinary demand for court records significantly burdens court operations. The vote to approve the rule was 10 to 9, with Chief Justice Ronald M. George breaking the tie.

In an effort to balance privacy concerns and public access, the rule provides that trial courts, before posting criminal files, should remove personal information from them, including social security numbers, home addresses and telephone numbers, and medical and psychiatric records.

The interim rule, which is posted at [www.courtinfo.ca.gov/rules/amendments.htm](http://www.courtinfo.ca.gov/rules/amendments.htm), will sunset at the end of 2004. In the meantime, the council will seek public comment on the rule and consider it at an upcoming meeting.

## OTHER ACTIONS

In other actions, the council:

**Access to Justice** Approved the Statewide Action Plan for Self-Represented Litigants, created by the Task Force on Self-Represented Litigants. The action plan recommends steps for the council to take toward its goals of increasing access to the courts and improving the quality of justice and service to the public. (See story on this page.)

**Early Mediation Pilot Programs** Approved a report on a study of early mediation pilot programs, to be submitted to the Legislature and Governor. The study found that the pilot programs had substantial benefits for both litigants and the courts. The report cites reduced trial rates, disposition times, and pretrial hearings; increased litigant satisfaction with the courts; and decreased litigant costs in cases that settled at mediation. (See story on page 1.)

**Trial Court Budget Cuts** Adopted a methodology for allocating an \$11 million reduction in trial court security funding and an additional \$2.5 million funding reduction for fiscal year 2003-2004.

**Judicial Branch Funding Priorities** Approved statewide budget priorities for the California trial courts for fiscal year 2005-2006. The priorities include negotiated salary increases (NSIs) and benefits for trial court staff; staff retirement; workers' compensation program cost increases; NSIs, retirement,

and other benefits for security personnel; increased charges for county-provided services; growth in court interpreters' workload; court-appointed counsel; and trial court facilities. The funding priorities approved for the appellate courts include unfunded mandatory cost increases and unfunded administrative infrastructure costs.

**Trial Court Investments** Approved a *Statement*

*of Investment Policy for the Trial Courts*, which is designed to ensure the safe and prudent investment of trial court funds. In addition, the council approved three resolutions that (1) authorize development of an investment program for the trial courts; (2) authorize investments for trial court funds; and (3) establish requirements for the reporting of investment activities by responsible parties.

**Facilities Planning** Approved the *Trial Court Five-Year Capital Outlay Plan* (available at [www.courtinfo.ca.gov/reference/fiveyear.htm](http://www.courtinfo.ca.gov/reference/fiveyear.htm)), which includes a ranked list of proposed capital projects in state trial courts, to be submitted to the Governor and Legislature.

**Juvenile Law** Approved a new rule (available at [www.courtinfo.ca.gov/rules/amendments.htm](http://www.courtinfo.ca.gov/rules/amendments.htm)) that clarifies the extent of the responsibilities of a child's counsel in delinquency proceedings. By consolidating relevant statutory provisions, the rule helps ensure protection of the child's interest at every stage of the proceedings. ■

## Council Adopts Statewide Plan For Assisting Pro Pers

Acting on a report from one of its task forces, the Judicial Council at its February 27 business meeting approved a comprehensive statewide plan for addressing the issues of self-represented litigants. Among many other proposals, the *Statewide Action Plan for Serving Self-Represented Litigants* endorses the use of self-help centers and the development of branchwide education for assisting pro pers.

The council created the Task Force on Self-Represented Litigants in 2001 to review established self-help programs and develop a statewide action plan with recommendations on how to respond to the growing number of self-represented litigants having an impact on the court system. In its assessment, the task force—chaired by Justice Kathleen E. O'Leary, Court of Appeal, Fourth Appellate District—found that many of California's courts have already begun to implement strategies specifically designed for managing cases involving pro pers. The task force recommends that those strategies be expanded throughout the state.

## KEY FINDINGS

In developing the report, the task force analyzed the action plans of local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with ex-

perts on serving self-represented litigants. In addition, the proposed action plan was circulated for comment to presiding judges and executive officers, the State Bar, and other groups interested in the administration of justice (family law facilitators, family law information centers, child support commissioners, legal services programs, law librarians, small claims advisors, court-based self-help centers, and local task forces on self-represented litigants, as well as national groups concerned with self-represented litigants).

The report describes three key findings:

- Court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate timely and cost-effective processing of cases involving self-represented litigants;
- Well-designed strategies to serve self-represented litigants and effectively manage their cases at all stages should be incorporated and budgeted as core court functions; and
- Partnerships between the courts and other governmental and community-based legal and social service organizations are critical for providing the comprehensive array of services required for success.

## NEXT STEPS

The task force's report includes eight recommendations for help-

ing California's courts manage cases involving self-represented litigants. Under each recommendation are details of the steps to be taken. For example, the task force proposes that courts have access to statewide educational programs and technical assistance to enhance judicial officers' and staff's ability to serve pro per litigants. The final recommendation calls for a new task force charged with overseeing and implementing the action plan.

● To view the action plan, visit [www.courtinfo.ca.gov/programs/equalaccess/planning.htm](http://www.courtinfo.ca.gov/programs/equalaccess/planning.htm). For more information, contact Bonnie Hough, AOC's Center for Families, Children & the Courts, 415-865-7668; e-mail: [bonnie.hough@jud.ca.gov](mailto:bonnie.hough@jud.ca.gov). ■

### Addressing Self-Represented Litigants

The statewide action plan from the Task Force on Self-Represented Litigants plan makes the following recommendations for responding to the growing number of self-represented litigants.

- I. Self-Help Centers.** Court-based, staffed self-help centers should be developed throughout the state.
- II. Support for Self-Help Services.** A system of support should be developed at the state level to promote self-help centers and assist in their creation and operation.
- III. Allocation of Existing Resources.** Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.
- IV. Judicial Branch Education.** A judicial branch education program designed specifically to address issues involving self-represented litigants should be implemented.
- V. Public and Intergovernmental Education and Outreach.** Judicial officers and other appropriate court staff should engage in community outreach and education programs to foster realistic expectations about the courts.
- VI. Facilities.** Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to provide self-help services for the public.
- VII. Fiscal Impact.** Continued pursuit of stable funding strategies is required to address the courts' critical need for funds to effectively manage cases involving self-represented litigants.
- VIII. Implementation of Statewide Action Plan.** A smaller task force should be established to implement this statewide action plan.



A recent report from the Task Force on Self-Represented Litigants found that court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate timely and cost-effective processing of cases involving self-represented litigants. Photo: Jason Doiy

## In the News

# Court Invites Press To Juror Roundup

Thanks to an invitation from the court, reporters and the public got a firsthand look at sheriff's deputies as they fanned across San Joaquin County serving delinquent jurors. The "roundup" was the latest step in the jury compliance program at the Superior Court of San Joaquin County.

Reporters from four newspapers, a news radio station, and six television stations participated and generated numerous broadcasts and articles on the event. Stories detailed how sheriff's deputies delivered nearly 100 orders to show cause, which directed people who had not responded for jury duty to "come see the judge" the following month.

By inviting the media to ride along, the court shed light on the problem of juror shortages, the importance of jury duty, and the consequences of noncompliance. After the stories appeared, the court and the media received dozens of calls from individuals asking how to check on their jury service obligations.

Other courts in the news:

'Video Court System Previewed,' *Merced Sun-Star*, January 30, 2004

Announced that all arraignments and bail review hearings for inmates housed in the main jail in Merced County will occur via video-conference.

'Drug Court Gets Praise But May Face Cuts,' *Sacramento Bee*, January 29, 2004

Described Sacramento County's dependency drug court and mentioned that since 2001 it has graduated 155 parents, one-third of whom later earned custody of their children.

'Leadership Program Explains Legal System,' *Record* (Stockton), January 29, 2004

Featured the Superior Court of San Joaquin County's Court-Community Leadership and Liaison Program, in which volunteer liaisons receive training in how the judicial system works and then share this knowledge with their communities.

'Driver's License Debate Plays Out in Traffic Court,' *San Jose Mercury News*, January 25, 2004; 'Judge Uses Light Touch on Spanish-Speaking Day,' *San Jose Mercury News*, January 21, 2004

Told the story of the Superior Court of Santa Clara County's Spanish-speaking traffic court, which handles, among other offenses, individuals driving without driver licenses.

'Court Interpreting Takes More Than Talking,' *Visalia Times-Delta*, January 23, 2004

Introduced readers to the court interpreter program at the College of the Sequoias.

'SJ Speeds Traffic Ticket Pay,' *Modesto Bee*, January 23, 2004

Announced the Superior Court of San Joaquin County's new program that allows individuals to pay traffic tickets electronically, via the Internet.

'Program Keeps Youths Drug Free,' *Merced Sun-Star*, January 22, 2004

Featured Merced County's Juvenile Drug Court Program, in which defendants spend nine months undergoing court meetings, drug testing, and extensive drug treatment and counseling.

'Napa's Civil Court System Sets Example,' *Napa Valley Register*, January 14, 2004

Congratulated the Superior Court of Napa County and its judges on their efforts to settle cases and increase efficiency by holding weekly case management meetings.

'Wait's Over at L.B.'s Court,' *Press Telegram* (Long Beach), January 6, 2004

Reported that a special line for jurors has shortened the time they wait to come into the Long Beach courthouse to report for service.

'People Shirking Jury Duty May Face Fines,' *County Star* (Ventura), January 5, 2004

Announced that, under a new state law, prospective jurors who fail to respond to summonses from the Superior Court of Ventura County could face up to \$1,500 in fines.



In San Joaquin County, the court invited news reporters to ride along with sheriff's deputies as they served delinquent jurors with orders to show cause. This photo and an accompanying article on the court's jury compliance effort appeared in the January 29 edition of the *Lodi News-Sentinel*. Similar articles ran in the *Record* (Stockton), *Tracy Press*, *Times* (Escalon), *Tri-Valley Herald* (Pleasanton), and *Pasadena Star News*. Photo: Jennifer M. Howell, Courtesy of the Lodi News-Sentinel

'Kids' Mental Health Court Can Change Troubled Lives,' *Daily Journal* (Los Angeles), December 30, 2003

Featured the Superior Court of Los Angeles County's juvenile mental health court, which addresses the special needs of kids in the delinquency system who suffer from mental disorders and developmental disabilities.

'Courthouse Security Snares 241 Possible Weapons in Three Days,' *Press Democrat* (Santa Rosa), December 29, 2003; 'Potential Weapons by the Hundreds,' *Daily Journal* (Ukiah), December 24, 2003

Reported that the Superior Court of Mendocino County installed new metal detectors and X-ray machines at the entrances to its courthouse in Ukiah.

'Court Accepts Payments via Internet,' *Tri-Valley Herald* (Pleasanton), December 28, 2003

Announced that the Superior Court of San Joaquin County is accepting payments for traffic fines and bail over the Internet.

'Legal Center Offers Information Online,' *Contra Costa Times* (Walnut Creek), December 27, 2003

Described how the Superior Court of Contra Costa County is serving self-represented litigants through its Legal Self-Help Center and Virtual Self-Help Law Center.

'Butte Judge Blazes Trail in DUI Cases,' *Sacramento Bee*, December 26, 2003

Reported on the Superior Court of Butte County's specialty court for drunk drivers and its incorporation of naltrexone, a drug that suppresses alcoholic cravings, in its alternative sentencing options.

'Pilot Program to Unify Family Court System,' *Record* (Stockton), December 15, 2003

Announced that the Superior Court of San Joaquin County received a state grant to unify its family court system and improve the management of cases involving families and children.

'Drug Court: Total Life Rehab,' *Daily Journal* (Los Angeles), December 15, 2003

Reported how drug courts in Los Angeles County are reducing recidivism, saving tax dollars, and giving their graduates second chances at productive lives.

'Tracy Woman to Head High Court,' *Tracy Press*, December 13, 2004; 'Tracy Resident to Head Up S.J. Courts,' *Record* (Stockton), December 13, 2003

Introduced the Superior Court of San Joaquin County's new executive officer, Rosa Junqueiro.

'Inyo Court Gets Nod From State,' *Inyo Register* (Bishop), December 13, 2003

Reported that the Superior Court of Inyo County received a Kleps award for its Night Court Child Support Calendar, which enables working parents to attend hearings without being hurt economically.

'Courtroom Serves as Classroom,' *Monterey Herald*, December 3, 2003

Described the California Supreme Court's special session in San Jose, which gave students an opportunity to hear oral argument before the court. ■



## Conference Focuses on Legal Services

More than 170 judicial officers and court employees, legal services employees, self-help center staff, law librarians, and community agency representatives from throughout the country came together to expand access to justice and legal services for low-income residents.

The first-of-its-kind National Conference on Community-Based Access: Volunteers, Partners, and Technology gave participants new skills and a concrete plan for establishing cost-effective legal self-help centers at courthouses, libraries, and community agencies in the neighborhoods where people need legal services the most.

The conference—which took place on February 18–20 in San Francisco—featured national experts discussing issues such as volunteer recruitment and management, building partnerships, and implementing community-based legal services. Attendees also learned about the latest technological tools for serving pro per, including Web sites, form completion programs, electronic filing, and videoconferencing.

The collaborative program was co-sponsored by the Administrative Office of the Courts (AOC), the American Judicature Society, the California Access to Justice Commission, the Legal Services Corporation, Pro Bono Net, and the State Bar's Standing Committee on the Delivery of Legal Services.

## RESOURCES AVAILABLE

The goal of the conference was to give participants the tools they need to establish community self-help centers in their own communities. To aid in that process, the AOC posted materials from the conference on the public California Courts Web site, including remarks from keynote speakers, examples of



successful court programs, technological resources, and tips for evaluation and funding.

● To see the conference materials, visit [www.courtinfo.ca.gov/programs/equalaccess/](http://www.courtinfo.ca.gov/programs/equalaccess/). For more

information, contact Kevin Chew, AOC's Center for Families, Children & the Courts, 415-865-7533; e-mail: [kevin.chew@jud.ca.gov](mailto:kevin.chew@jud.ca.gov). ■



CalJustice Staff Attorney Linda Kim—an exhibitor at the National Conference on Community-Based Access: Volunteers, Partners, and Technology, held in San Francisco in February—answers questions about the [www.LawHelpCalifornia.org](http://www.LawHelpCalifornia.org) Web site. The first-of-its-kind national conference focused on using technology to expand access to justice and provide legal services for self-represented litigants. *Photo: Sherri Eng*

# MOVERS and SHAKERS

# Chuck Ramey: Keeping His Court Open

MARK POTHIER

One night in 1997, when Superior Court of Solano County Executive Officer Charles D. Ramey was in San Francisco attending the California Judicial Administration Conference (CJAC), the Solano County sheriff woke him at 4 a.m. with a call: "Chuck, they've blown up your courthouse." Mr. Ramey rushed home to join the FBI, local and county law enforcement, and a CNN team that was already broadcasting from the crime scene. The Justice Center in Vallejo had been bombed by a third-striker hoping to destroy evidence. Mr. Ramey and a disaster recovery team were allowed into the building soon afterward, and within three days were able to restore enough order to reopen the courts for business the following Monday.

Of course, by then Mr. Ramey and his staff were quite adept at overcoming calamity, having dealt with repeated flooding of the first floor of the old Hall of Justice in Fairfield.

Mr. Ramey, recently dubbed a “judicial jack of all trades” by local press, says his 34 years in court administration have never been boring. He’s unsure exactly why he entered the field—starting in the Santa Clara jails as an O.R. (own recognizance) release program officer, moving up to assistant executive officer at the Alameda County court, and eventually to executive officer in Solano—but one thing is certain: he knows how to keep his court open.

What has been the greatest challenge in his career? Trial court unification. "In Solano, there were two separate municipal courts and the superior court—three separate institutions with long histories and no common culture." Mr. Ramey credits the foresight and leadership ability of Solano's judges and their team's ability to build trust among all stakeholders as key to their success. "We've always been diligent in making sure our administration is 'transparent,' ensuring that the former municipal and

superior courts were appropriately represented within the structure of the judges' executive committee, and making the entire bench involved in all major policy decisions."

A more recent challenge has been the transfer of court facilities to state ownership. The Solano County court is one of three pilot courts (with Riverside and San Joaquin Counties) to begin negotiating the transfer of its facilities. "It's a complex, interesting three-way process involving the AOC's Office of Court Construction and Management, county reps, and two former presiding judges—when you get the task force together, there are 15 people at the table."

Mr. Ramey anticipates that Solano will most likely have its Hall of Justice transfer to the state, while two additional buildings will remain joint-use facilities of the county and the court. One exciting fallout of the process—a “parallel negotiation” that’s been three years in the works—will be the court’s return to the historic courthouse, built in 1911, after the county vacates it to move into a new government center.

As Mr. Ramey prepares to step down—he plans to retire in February 2005—he’s still concerned about court access in Solano County. “There must be a way for our courts to secure the resources needed to appropriately deal with the workload and maintain access. According to the most recent judgeship needs report, we should have eight more judges. We’ve had a hiring freeze in place for more than two years and currently have a 13 percent staff vacancy rate; we run a voluntary time-off program and have absorbed huge, unfunded cost increases in our budget. We’ve managed to keep our court operating, not impact public service, and avoid cutting or laying off staff, but we’ve stretched it out to the limit. . . . If you’ve traveled in countries that

don't have a democratic system of justice, you realize how incredibly valuable and rare a thing it is, even with all its flaws and difficulties. My hope for the future would be that the stewards of our system will continue to keep their eye on that ball."

Next winter, once he retires, Mr. Ramey's own gaze will turn to the east—specifically the Himalayas. He made his first trek two years ago. "I wanted to experience one place in the world that was not a car culture, and I found it on the western plateau of Tibet. Seeing people who continue to travel and live as nomads today—it really grabs your attention once you come back; it's such a shock." He plans to go to Nepal this fall. "Having done it once, it's like I can't not return."



**CHARLES D. RAMEY**  
Executive Officer

Superior Court of Solano County,  
1995 to the present  
*(With consolidation in 1995–1996, he as-  
sumed responsibility for all administrative  
functions of the superior and municipal  
courts in Solano County.)*

**Executive Officer/Clerk of the Court**  
Superior Court of Solano County  
1984 to 1995

**Assistant Executive Officer**  
Superior Court of Alameda County  
1983 to 1984

**Criminal Division Coordinator**  
Superior Court of Santa Clara County  
1980 to 1983





Justice Earl Johnson, Jr.  
Court of Appeal,  
Second Appellate  
District  
Photo: Stephanie Diani

## 'Judicial Giant' Receives Access to Justice Award

DIANE CURTIS

Lyndon Johnson was president. The War on Poverty was just around the corner. And Earl Johnson, Jr., a young Justice Department lawyer prosecuting organized crime, was about to take a career turn that would help open the American legal system to a section of the populace that had long been shut out. Forty years and many successes later, he is still working toward that goal.

"There is no one who has done more for access to justice and representation for those who cannot afford lawyers than Earl Johnson—ever—in this country," says former Clinton administration Commerce Secretary Mickey Kantor. "He's the architect of legal services."

### ACCESS TO JUSTICE AWARD

For his efforts in civil representation, Johnson, 70, Associate Justice of the Court of Appeal, Second Appellate District (Los Angeles), received the Benjamin Aranda III Access to Justice Award, which annually recognizes a judge who has demonstrated a long-term commitment to equal access to the judicial system. The award is sponsored by the Judicial Council, the State Bar of California, and the California Judges Association.

Justice Johnson is a "judicial giant," says Bruce Iwasaki, Executive Director of the Legal Aid Foundation for Los Angeles. "Justice Johnson can rightly be called a founding father of the modern movement to provide equal justice to all Americans. He has literally written the book on the history and the enduring values of legal services in America."

### JOHNSON'S NATIONAL IMPACT

Justice Johnson's access efforts began in 1964 when he accepted a job as deputy director of a Ford

Foundation-funded pilot program creating three neighborhood law offices to serve poor people. A year later, just as President Lyndon B. Johnson's War on Poverty was getting under way, Earl Johnson was appointed the first deputy director—and, not long after that, director—of the National Legal Services Program of the Office of Economic Opportunity (OEO).

Those were heady days, the justice, a native of South Dakota, recalled in a telephone interview. Sargent Shriver was head of the OEO, and Shriver encouraged those who worked for him to be creative. "It was an optimistic time. You felt you could do almost anything," Johnson remembered. "You get an idea one day. You put it into practice the next. . . . We thought it would never end."

One of those ideas was the Reginald Heber Smith Fellowship program, in which "the best and the brightest"—the editors of law reviews, the top five graduates of their classes—were recruited, trained, and then placed in federally funded legal services programs around the country. The "Reggies" job was not simply to represent the poor. It was also to push for more programs at the local level offering high-quality legal services and to reform the law—redress inadequacies in the enforcement of legal rights for poor people and give them control over program decisions that affected them. "I consider it probably the most important thing I did as director of the OEO legal services programs," Justice Johnson said of the Heber fellowships.

A necessity for the first legal services attorneys was education about issues most relevant to poor people, such as landlord-tenant relations, welfare law, consumer rights, and public housing. Law

schools were not yet offering such courses, so Johnson created "backup centers" that gave prospective legal services attorneys vital expertise. The center lawyers also provided support to local counselors working on behalf of the poor and engaged in litigation or advocacy before legislative or administrative bodies.

Because the field was so untested, Johnson also set up a national clearinghouse to create a "network of knowledge" about representation for those who had not traditionally had it in civil cases. "There were very few appellate decisions, very little law," Justice Johnson said. "There was a whole set of welfare regulations but no judgment as to whether they were constitutional. . . . A good deal of law was created after those training programs."

By the time Johnson left the OEO legal services program after three years, it had grown to include more than 1,800 lawyers serving 800 neighborhood law offices in more than 300 U.S. cities, towns, and rural communities.

### CREATING THE LEGAL SERVICES CORPORATION

When Richard Nixon became president, Johnson was teaching law, poverty, and professional responsibility at the University of Southern California. It soon became clear that "OEO wasn't going to survive very long," so Johnson, with help from Mickey Kantor (who became a legal services lawyer representing farmworkers in Florida for a time, at Johnson's urging), then drafted the first proposal for an independent legal services corporation. That draft and Johnson's persistence ultimately led to the passage of the Legal Services Corporation Act of 1974.

### CALIFORNIA BENEFITS FROM JOHNSON'S ACCESS EFFORTS

Justice Johnson has since been active in promoting equal access in California. "He has continued to be the intellectual engine and conscience concerning equal jus-

tice," says Iwasaki. As a member of the California Commission on Access to Justice, "he has pulled together a cross-section of the state in a bipartisan way to address issues of equal justice." His writings and research also have been invaluable, Iwasaki says.

"Without Earl's active initiative and support, there would not be a CRLA (California Rural Legal Assistance), a SFNLAF (San Francisco Neighborhood Legal Assistance Foundation), a National Senior Citizen Law Center, or any number of other well-recognized legal programs serving the demonstrated needs of the poor throughout the United States," wrote U.S. District Judge Terry Hatter in his Aranda nominating letter.

"Without him, there truly would be no Legal Services Corporation; without him, there truly would be no California Commission on Access to Justice," wrote Associate Justice Laurie Zelon of the California Court of Appeal. "No one who has ever heard the term 'civil Gideon' in California has done so without owing his or her understanding to Earl."

Despite the progress, Justice Johnson said the country is really only a quarter of the way toward where it needs to be in providing civil representation to those who cannot afford their own lawyers. Lawyers are willing, but the resources from the government are not there, he said.

"This is and should be a societal responsibility. Equal justice for all is really part of the fundamental social contract for our democracy, and as such it is a prime responsibility of government. . . . We've still got a long way to go before we can claim the 'justice for all' that we keep repeating in our Pledge of Allegiance." ■

*Reprinted with permission from the February 2004 edition of the California Bar Journal. Diane Curtis is a freelance journalist contracted by the State Bar of California.*

## Prior Aranda Award Recipients

Judge Kenneth M. Kawaichi, Superior Court of Alameda County—2003

Judge Donna J. Hitchens, Superior Court of San Francisco County—2002

Judge Charles W. Campbell, Jr., Superior Court of Ventura County—2001

Judge Veronica McBeth, Superior Court of Los Angeles County—2000

Justice Judith McConnell, Court of Appeal, Fourth Appellate District—1999

## Seismic Evaluation

*Continued from page 1*

surprising, given the increasingly sophisticated evaluation



A screening workshop held April 25 in San Francisco allowed engineers to review the building plans of court facilities around the state. The workshop was the initial phase of a statewide seismic evaluation in accordance with the Trial Court Facilities Act, which provides for the transfer of responsibility for court buildings from the counties to the state.

techniques and the evolving understanding of building performance in seismic events.

Therefore, engineers involved in the assessments caution against drawing conclusions about the performance of the buildings in a seismic event on the basis of evaluation ratings. "Buildings assigned a risk level IV could suffer damage resulting in extensive repairs or loss of use, while not every building assigned a risk level V should be assumed to be unsafe in every earthquake," says Mr. Holmes. "For example, some buildings failing the evaluation criteria survived the 1994 Northridge earthquake with minimal damage."

### NEXT STEPS

In the course of transfer discussions, the study's preliminary findings will be reviewed by state and county representatives.

These discussions will allow the counties to provide additional information on specific buildings that may not have been available for the initial study.

The negotiations could prompt reevaluation of the study's findings and resolution of "pending" findings regarding a specific building. Alternatively, further structural studies may be performed independent of this program, or a county may appeal the engineers' evaluation. The Trial Court Facilities Act provides a procedure for hearing and adjudicating any disputes between counties and the state over the seismic safety of buildings.

Because the risk level ratings are not complete, ratings for individual buildings are not included in the initial report. They will be included in subsequent reports once a county and the

state have concluded the due diligence steps in the transfer process. These steps make up a fact-finding process by which the state will gain a better understanding and condition of the buildings being transferred.

● To view the entire *Superior Courts of California—Seismic Assessment Program: Summary Report of Preliminary Findings*, visit the Reference section of the California Courts Web site at [www.courtinfo.ca.gov/reference/seismic.htm](http://www.courtinfo.ca.gov/reference/seismic.htm). For more information on the study or the Seismic Assessment Program, contact OCCM, 415-865-8720. ■

*Clifford Ham is the senior project manager in the Seismic Assessment Program of the Administrative Office of the Courts' Office of Court Construction and Management.*







## CJAC 2004

# Solving Problems Together

More than 300 state judicial leaders, including 51 of the 58 presiding judges, came together in February at the California Judicial Administration Conference (CJAC) in San Francisco to discuss how best to address challenges facing the branch. Those challenges include protecting the independence of the branch, implementing effective and efficient administrative practices, and maintaining and enhancing public trust in the courts.

Centered on the theme "Operating as a Branch: Solving Problems Together," the conference provided a forum for attendees to discuss how the judicial branch can emerge as an accountable, credible statewide institution yet maintain the autonomy of the local courts.

### DISCUSSION TOPICS FOCUS ON CURRENT CHALLENGES

Speakers, panels, and workshops focused on the transition of services from counties to the state; fines, fees, and revenue enhancement; public access and input to court information and operations; and balancing branchwide and local approaches to diverse areas of court operations. Court leaders frankly shared their perspectives on the issues and challenges common to all courts.

Other sessions addressed the ongoing negotiations associated with the state judicial branch budget and the recently released Judicial Council Operational Plan, which provides direction for achieving branchwide goals.

### NEXT STEPS

Ideas suggested at the conference for addressing branchwide issues are being referred to appropriate council advisory committees and Administrative Office of the Courts (AOC) staff for action. In addition, the AOC is putting together a post-CJAC package to be distributed and posted to the Serranus Web site in April. The package will include a videotaped overview of the event, containing highlights of:

- Addresses made by Chief Justice Ronald M. George and Administrative Director of the Courts William C. Vickrey;
- A question-and-answer session with Chief Justice George and Mr. Vickrey;
- Summaries of projects receiving Ralph N. Kleps Awards; and
- An interview with Senators Joseph Dunn and Dick Ackerman, shown at CJAC, that sheds light on the state budget process.

In addition, the post-CJAC package will contain notes from the conference on attendees' comments and suggestions in regard to the topics discussed during the two-day event. The AOC invites feedback on the post-CJAC materials and on any resulting conversations between court leaders and their staffs.

• For more information, contact Karen Moen, AOC's Education Division/CJER, 415-865-7823; e-mail: karen.moen@jud.ca.gov. ■



Administrative Presiding Justice Judith McConnell (center) of the Court of Appeal, Fourth Appellate District, moderated a panel focused on the judicial branch budget and initiatives to secure stable funding for the courts. Panelists Ronald G. Overholt (left), AOC Chief Deputy Director, and Tina Hansen (right), AOC Finance Director, shared insights on the budget process taking place in Sacramento. They cautioned court leaders not to panic and said the branch and courts are looking at all available options for reducing their budgets or increasing revenues before cutting core operations.



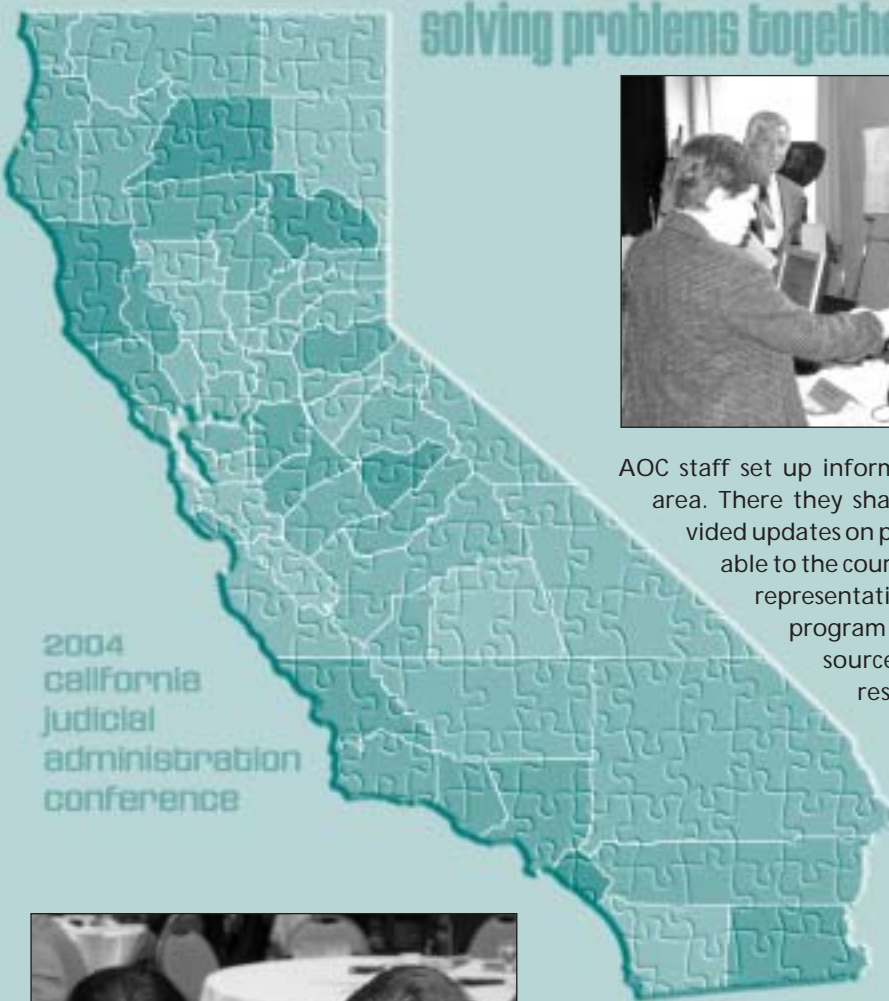
William C. Vickrey (center), Administrative Director of the Courts, and Justice Richard D. Huffman of the Court of Appeal, Fourth Appellate District, shared the goals and process behind the creation of the recently released Judicial Council Operational Plan. Moderated by Sheila Gonzalez (left), AOC Regional Administrative Director, Southern Region, the panel included other members of the Judicial Council, who explained how the plan provides direction for achieving branchwide goals.



Attendees reported back to the entire conference audience on ideas and solutions discussed at breakout sessions. In this way, attendees were able to share information and come to a consensus on certain issues.

## operating as a branch

solving problems together



AOC staff set up information tables in the foyer area. There they shared information and provided updates on programs and services available to the courts. Staffing the tables were representatives from a variety of AOC program areas, including human resources, family law, education, research and planning, and communications.



During breakout sessions, court leaders shared their perspectives on the issues and challenges common to all courts. The topics included the transition of services from counties to the state; fines, fees, and revenue enhancement; public access and input to court information and operations; and balancing branchwide and local approaches to diverse areas of court operations.



Chief Justice Ronald M. George (center left) and Administrative Director of the Courts William C. Vickrey (center right) fielded questions from CJAC attendees on topics such as appointments of Judicial Council members, case management systems, regionalization, and the judicial branch budget. The question-and-answer session was moderated by Superior Court of Sacramento County Executive Officer Jody Patel (left) and Superior Court of Riverside County Presiding Judge Douglas P. Miller.

Photos: Don May



## Q&amp;A

## CJAC in Context

*Conversation With Judge Richard Strauss*

*This is the most fascinating time to be involved in the management of the California courts, according to Superior Court of San Diego County Judge Richard Strauss. But, he adds, many challenges lie ahead as the branch assumes its new "personality" as a statewide entity.*

*Judge Strauss has a history of addressing issues of judicial administration with the goal of improving the court system. He served as presiding judge of the San Diego County court in 2003, is a member of Judicial Council, and has served in other statewide working groups on issues such as court security.*

*In 2003 Judge Strauss was the content committee chair for the California Judicial Administration Conference (CJAC). This year he served as chair of the conference's planning committee. Court News spoke with Judge Strauss about the importance of CJAC and how it brings judicial leaders together to improve the administration of justice in California.*

Why is it important for judicial leaders to come together at conferences like CJAC?

The judicial branch is still developing into a third, independent branch of government. We've always been defined that way in the Constitution, but since the courts had been organized on a county basis, the judiciary never emerged as a true third branch. But that is changing with the advent of state funding and other factors. Instead of operating 58 different, separate entities, we are becoming *the* court system of California.

CJAC is an opportunity for judicial leaders from every court type—large and small, urban and rural, trial and appellate—to talk about the emergence of the

The theme of this year's conference was "Solving Problems Together." What did you consider when selecting the theme?

First, it is important to have a focus and an agenda. Otherwise, you are gathering hundreds of people together with no direction. The theme helps focus the discussion topics toward concrete goals.

In any year, we are trying to think about what is topical, what is on the minds of judicial leaders, and what issues are within our sphere of control. We think about what challenges the courts are facing on the local level and how they fit into a statewide agenda.

This year's theme of "Solving Problems Together" was an attempt to focus on becoming a statewide institution. The judicial branch in California is made up of thousands of independently elected judicial officers. Yet we are a part of an overall branch and must work together. We can't afford to go in thousands of different directions or we will lose credibility with the Governor, Legislature, and public.

How do you see the Judicial Council's role in the planning efforts for CJAC; assisting with the conference? How was the council involved this year?

First, there were more council members on the CJAC Planning Committee this year than ever before. We also asked the Chief Justice and the other council members to participate in conference panels and discussions and be available to meet with other judicial leaders in attendance.

It's important that the council be visible to court leaders and their staff so it is not just a theoretical, faceless body that meets

keep the sessions moving on a timely basis so attendees don't get tired of certain topics. We also depend on the individual session and program leaders to lead the discussions in a manner that allows them to stay on topic. We tried to wrap up the topics after discussions and come to some sort of consensus on some key points in order to move the conversation forward.

However, during workshops or discussion groups, sometimes members want to expand the conversation and talk about related issues. We never want to limit those conversations, especially if it is an issue that engages the group and merits further discussion.

Did this year's CJAC meet expectations and/or the objectives of the planning committee?

From my perspective, it seemed like people were engaged in the

a wide disparity technologically among courts of the state.

The savings will be significant in terms of how we use our facilities and manage personnel and in the overall operation of our courts. Other major institutions—in the United States and throughout the world—have proven this to be true time and again. Small government—which is what we are—and small business are the last segments of the marketplace to embrace technology and do business electronically.

The reason the rest of the business world has made the transition is that working electronically is cheaper, faster, and smarter, and the public has come to expect it. It's not just a matter of implementing new software, but of changing the way we do business internally. We need to become more efficient and give judges and court staff the tools to make their work easier.



Judge Richard Strauss  
Superior Court  
of San Diego  
County

**The judicial branch in California is made up of thousands of independently elected judicial officers. Yet we are a part of an overall branch and must work together.**

conversation and challenged by the issues discussed. I particularly liked the question-and-answer session with the Chief Justice and Bill Vickrey. As promised, they addressed the toughest questions first to make sure they covered them in detail. They spoke frankly and honestly, as they will do anytime someone has a question for them.

On the other hand, I'm sure there were some attendees who felt parts of the program could be improved. I hope those individuals filled out their comment cards and provided input to conference staff. We are always looking at ways to make the program more beneficial for the courts.

How do we keep judges informed and engaged about important issues in the branch?

In the last few years at CJAC, we have only been talking to the leaders of the courts. I would like to see a more broadly based event that would involve bench officers from throughout the state. One way to do that is to have a judicial convention, which to my knowledge has never been done before in California.

Obviously, there are logistical challenges, such as event security and how to keep our courts open while judicial officers are attending the convention. But this kind of program would give day-to-day judges an opportunity to meet the Judicial Council, the Chief, and the leaders and staff of the Administrative Office of the Courts and other courts. It could be an effective way for them to get information about statewide issues and to provide input to local concerns. ■

**One of the biggest challenges we face is turning the courts into a truly modern institution by getting us out of the paper mindset and expanding our use of the electronic medium.**

branch and the issues associated with it. Issues include how the branch becomes a credible, accountable statewide entity and yet maintains the autonomy of the local courts. For example, our large court in San Diego is far different than a two-judge superior court in a smaller county. We need to honor those differences when they are reasonable and necessary, and at the same time think and act like a statewide institution.

in San Francisco every other month. In addition, council members can get firsthand feedback and input from those people who are directly affected by its decisions.

What role does the chair of the planning committee have in keeping the program on track?

First, as chair—and with help from the many individuals who are necessary to put on a conference such as CJAC—you try to

What branchwide issues should be considered at future conferences like these? What are the challenges that lie ahead for the branch?

It is difficult to look into the crystal ball and know exactly where we are going. But one of the biggest challenges we face is turning the courts into a truly modern institution by getting us out of the paper mindset and expanding our use of the electronic medium. At the moment, there is





Presiding Judge  
Robert A. Dukes  
Superior Court of  
Los Angeles  
County

## TALKING POINTS

# L.A. Court Reaches Out to Legislators

*The Superior Court of Los Angeles County on January 9 hosted 12 members of the Los Angeles delegation to the California Legislature. The occasion was the court's annual legislative luncheon, which gives court officials a forum for speaking directly to local legislators about the importance of the court and its services for the public.*

*Presiding Judge Robert A. Dukes addressed the legislators and the more than 200 others in attendance—including legislative aids, the court's executive committee, supervising and site judges, and other invited guests—at the Los Angeles County Music Center. Following is an excerpt from his remarks.*

We are not here to discuss the budget. I know you will hear plenty from others, including the Chief Justice, about the judicial branch budget in the days to come. Today our message is one of partnerships. We are each a separate branch of government, but we share the same devotion to public service and understand our common desire—indeed, our obligation—to respond to the needs of our citizens. We look forward to building partnerships with each of you that will assist our common constituency as they come to our courts to seek justice—as they come to seek the fruits of your legislation.

### THE PEOPLE'S COURT

How many people here know of anyone that adopted a child recently? How many are aware of someone who has gone through a divorce, received an inheritance, served on jury duty, or who are involved in a lawsuit? Now, this should be everyone in this room: does anyone know someone who has received a traffic ticket within the past year?

As you can see, the judicial branch and specifically your court touch practically everyone. More than 8,000 jurors serve in our courtrooms every day.

On an annual basis, half of the 12 million residents in Los Angeles County come through the doors of the 57 courthouses of the superior court. Each year the court processes 1.6 million traffic tickets and a quarter of a million people seek resolution and help in dissolving their marriages and resolving significant issues of child custody and property division. Thousands of people seek help with placing and caring for incapacitated loved ones through conservatorship proceedings or look for the protection of children in guardianship hearings. Hundreds of battered spouses and children seek protection through restraining orders.

### SERVING THE PUBLIC

Millions of citizens of this county seek enforcement of, or protection under, the laws that have been passed by you, the legislators. With so many people utilizing our court, it is truly a challenge to ensure that the public has all the essential services that they should expect and the knowledge to use and seek the protection the court offers. I believe we, the Los Angeles Superior Court—your court—have met the challenge as we continue to strive to improve our level of service.

On each table and in your folders, you will find a sample of brochures that describe services that make our courts more accessible to the public, such as family law centers and small claims court. The posters on the walls and the slide show you will see also illustrate how people can access the court through the Internet. For example, you can pay your traffic tickets or request an extension, or even order civil case documents online and in the comfort of your own home. The services of the court are essential in meeting the needs of our shared constituency. However, this is only the tip of the iceberg.

### SUCCEEDING DESPITE LIMITED RESOURCES

Although every study promulgated in the last decade shows that the judicial system throughout the state is understaffed for the amount of disputes brought to us (by more than 55 judges in Los Angeles), we have striven through innovative means to meet the challenge of resolving disputes of our constituents in a timely manner without sacrificing justice. We have three examples that I would like to highlight today.

First, our alternative dispute resolution program is a cooperative effort with the bar. Volunteer attorneys assist judges in enabling parties to reach a settlement without the expense, stress, and uncertainty of trial. Second, an innovative pilot program established through guidelines set by the Judicial Council is helping to improve the management and resolution of complex cases. And lastly, the court's Adoption Saturday program has utilized thousands of weekend hours and volunteers to enable hundreds of children and parents to start a new life together. Conducted in partnership with county social service agencies and the bar, the program has been replicated around the state and nationally.

### COMMUNITY OUTREACH

We are reaching out to your constituents to try and demystify the judicial system. We recognize the diversity of our county's



Judicial leaders from Los Angeles County talk with Senator Martha Escutia (D-30th District) (second from right) at the court's annual legislative luncheon. The annual luncheon gives court officials a forum for speaking directly to local legislators about the importance of the court and its services for the public. Shown here are (left to right) Judge Mary Thornton House, Executive Officer John A. Clarke, Presiding Judge Robert A. Dukes, and Judge Jose I. Sandoval. Photo: Courtesy of the Superior Court of Los Angeles County

population and do not shy away from our obligation to overcome ignorance or suspicion of our system of justice. It is the judicial branch that gives order to our society. Rather than people resorting to self-help, lawlessness, or succumbing to an inability to seek redress, the judicial system of your state provides the means for a just, lawful, and orderly society.

We have already begun the work in our courts to serve all facets of the population. For example, with the state's assistance and through partnerships with Los Angeles County, self-help centers have opened in many courthouses to serve low-income, self-represented litigants. And throughout the county we have partnered with local community groups to provide an open forum where individuals can meet members of the bench and learn about our court programs. For the first time this year, we sponsored an outreach program with foreign consular officers representing over 39 countries. The attendees gained an appreciation of our system as it relates to the needs of foreign nationals.

Partnerships are also being established with local schools and universities. We have developed educational programs specifically targeting young people and teachers to educate them about the court and all its services. These are just samples of all the positive things the judicial officers are doing here in Los Angeles County.

### OPENING LINES OF COMMUNICATION

Here today are the judicial leaders of our court. They include members of the court's executive committee (which sets the local policy of the court), supervising and assistant supervising judges, and site judges who are responsible for the day-to-day judicial operations in each of our 57 courthouses. I offer you their

assistance on any matter.

In the near future, you should expect a member of our leadership to contact you to arrange a "meet and greet." It is our intention to be available to you to answer questions you may have regarding the judicial branch and our trial courts in Los Angeles County.

On the same note, I hope you will come and visit the courthouses in your district. I know that Senator [Bob] Margett [R-29th District] recently served a "day on the bench" in our Pomona courthouse, and I understand that Assemblywoman [Fran] Pavley [D-41st District] will have the same opportunity if she isn't whisked away by the Governor's call for a special session. If you have any questions on the locations of courthouses, we have inserted a map in your folders that identifies all the courthouses in your district as well as those adjacent to it.

If you have any ideas on how we can further work together to assist our mutual constituency, please feel free to contact me or any member of the judiciary. ■



# Three Strikes: A 10-Year Retrospective

JUDGE J. RICHARD COUZENS  
SUPERIOR COURT OF PLACER  
COUNTY

Slipping by almost unnoticed last month was the 10-year anniversary of the enactment of the California three-strikes law.

At 2:45 p.m. on March 7, 1994, Governor Pete Wilson signed into law one of the nation's most complex and controversial felony sentencing laws. By 10:15 p.m. the law had snared its first reported offender, one Bartholomew Cargill, who was later convicted of possession of cocaine, driving under the influence of alcohol or drugs, and disturbing the peace. He also had a prior strike. In affirming the defendant's second-strike sentence, the appellate court observed: "Timing is everything in life." (*People v. Cargill* (1995) 38 Cal.App.4th 1551, 1553.) Since Mr. Cargill's conviction, an estimated 80,000 persons have been sentenced to state prison in California as second- or third-strike offenders. As of January 1, 2004, there are more than 42,500 "strikers" in state prison.

The law was born in controversy. The Legislature originally considered four or five different versions of the three-strikes law. The bills were substantially the same except in the scope of third-strike offenses. Most of the bills, such as one sponsored by the California District Attorneys Association, required that the third-strike offense be a serious or violent felony. Assembly Bill 971, sponsored by Fresno photographer Mike Reynolds, included *all* felonies as potential third-strike offenses. Fueled by the public outcry over the tragic Polly Klaas kidnapping-murder case, the Legislature enacted AB 971. As if

to forever cement the law into the California criminal justice system, Mr. Reynolds successfully led a campaign to enact Proposition 184 in November 1994.

Courts were greatly concerned over the potential impact

• Whether the People may appeal a "not true" finding on a prior strike (*People v. Samples* (2002) 104 Cal.App.4th 76).

The drug treatment provisions of Proposition 36 currently provide the only statutory ex-

ception to the state prison sentence that is mandatory in strike cases. The relationship between these two statutes is far from settled. Does the new drug treatment initiative supercede the strikes law? Most have assumed that the initiative has enacted the first statutory exception to the three-strikes law. There is an interesting dictum in at least one Supreme Court case, however, that seems to suggest that the reach of the three-strikes law may be restricted only by amendment of the three-strikes law itself. (See *People v. Acosta* (2002) 29 Cal.4th 105, 121.)

Application of the three-strikes law has resulted in the imposition of sentences of staggering length. The longest sentence reflected in a published opinion is 435 years to life, imposed for 17 counts of sexual assault. (*People v. Mobley* (1999) 72 Cal.App.4th 761.) As lengthy as it is, however, it is not the longest sentence being served in California; that one is 1,113 years, 8 months to life, for 97 counts of sexual assault and 3 counts of child endangerment.

Three-strikes laws nationally have generated countless articles, books, and studies on the benefits and detriments of these statutes. A search of the Internet for information on "three-strikes law" produced 841,000 hits. Similarly, this writer recalls preparing a 10-page briefing memo on the law for distribution by the Administrative Office of the Courts to all judges in the state shortly after the law was enacted. That memo has now been expanded to the 350-page text *California Three Strikes Sentencing, 2nd*.

Although the flood of three-strikes cases has slowed to a trickle, there remains an infinite list of intriguing issues surrounding this most interesting law. One can only wonder what the next 10 years will bring. ■

## CRIME and PUNISHMENT



of the new law on criminal case-loads. A special "strike force" of retired judges was created with the express purpose of assisting counties that were suddenly faced with a glut of jury trials. Appellate courts soon were called on to resolve the often ambiguous and confusing language of the statutes. Although more than 425 appellate opinions have been published on the three-strikes law, significant issues remain. The California Supreme Court has granted review of cases concerning:

• Whether a trial court may reweigh the evidence supporting the original strike conviction (*People v. Dale* (2003) 106 Cal.App.4th 194; *People v. Wallace* (2003) 105 Cal.App.4th 250);

• Whether a court may dismiss all of the strikes for one count yet impose a concurrent sentence with other counts still subject to strike sentencing (*People v. Casper* (2003) 105 Cal.App.4th 1373);

• Whether an enhancement for street gang activity under Penal Code section 186.22 makes a crime a strike; and

ception to the state prison sentence that is mandatory in strike cases. The relationship between these two statutes is far from settled. Does the new drug treatment initiative supercede the strikes law? Most have assumed that the initiative has enacted the first statutory exception to the three-strikes law. There is an interesting dictum in at least one Supreme Court case, however, that seems to suggest that the reach of the three-strikes law may be restricted only by amendment of the three-strikes law itself. (See *People v. Acosta* (2002) 29 Cal.4th 105, 121.)

Proposition 36 excludes from its treatment provisions any person who, within five years prior to the current offense, has a conviction of any misdemeanor "involving physical injury or the threat of physical injury to another person." What is meant by a crime "involving physical injury"? Is a certain level of injury required? Must the injury be a part of the "record of conviction," or may both the defense and prosecution present live testimony on the issue? What is a "threat of



Judge J. Richard Couzens

*Judge Couzens is a former member of the Judicial Council and past chair of its Criminal Law Advisory Committee.*

## New Edition of Three-Strikes Update

*California Three Strikes Sentencing, 2nd* is a greatly revised and updated version of the earlier sentencing guide. Authored by Superior Court of Placer County Judge J. Richard Couzens and Superior Court of Los Angeles County Judge Tricia Ann Bigelow, the updated guide has been greatly expanded, reorganized to make the law easier to find, and augmented with additional hypotheticals to illustrate diverse sentencing issues. The updated guide will be posted at <http://serranus.courtinfo.ca.gov/reference/documents/3strikes.pdf>.

## Events Commemorate *Brown v. Board of Education*

On May 17, 1954, the U.S. Supreme Court's decision in *Brown v. Board of Education* ended the doctrine of "separate but equal" as a legal basis for segregation. Over the next two months, the judicial branch is sponsoring educational programs to celebrate the 50th anniversary of that landmark decision and highlight the importance of *Brown* today.

### EDUCATIONAL PROGRAMS

A working group appointed by Chief Justice Ronald M. George in May 2003—consisting of judges, court executives, State Bar leaders, and law professors, with assistance from the Administrative Office of the Courts (AOC)—are coordinating efforts to highlight the legacy of the *Brown* decision. The AOC developed the *50th Anniversary of Brown v. Board of Education: A Court Education and Resource Guide* to assist local courts in creating educational opportunities for court staff and the public. The guide contains tips for getting started, delivery and teach-

ing strategies, and sample questions for facilitating discussions.

The working group is overseeing the development of several other programs, including:

• A special AOC-TV satellite broadcast on April 27 that will focus on how the *Brown* decision affects justice and the courts today;

• A symposium, "*Brown v. Board of Education: Yesterday, Today, and Tomorrow*" (open to anyone interested), at the Sacramento Convention Center on May 17 to commemorate the anniversary of

the decision and explore its impacts; and

• The *Long Walk to Freedom* exhibit, including recordings of civil rights activists telling their personal stories, to be displayed in the Great Hall of the Earl Warren Building in San Francisco from April 26 through May 17.

● For more information or to order a copy of *50th Anniversary of Brown v. Board of Education: A Court Education and Resource Guide*, contact Michael Roosevelt, AOC's Education Division/CJER,

415-865-7820; e-mail: [michael.roosevelt@jud.ca.gov](mailto:michael.roosevelt@jud.ca.gov). For more information on educational conferences and broadcasts, visit <http://serranus.courtinfo.ca.gov/education/>.

*Photo: Courtesy of the Kansas State Historical Society*





# Opportunity Knocks: Nominations Sought for Council, Advisory Committees

Effective operation of the estate judicial branch relies on the talents of the hundreds of volunteers who serve on the Judicial Council's advisory committees and task forces each year. The council is accepting applications for membership on advisory committees and on the council itself.

Nominations for the Judicial Council will be accepted through May 31; nominations for advisory committees will be accepted through June 30.

## NOMINATION CRITERIA

The council's Executive and Planning Committee reviews nominations and sends its recommendations for appointments to the Chief Justice. Individuals are selected according to criteria such as:

- Prior service and active

participation on a council advisory committee (for Judicial Council nominations only);

- Interest in and experience with court administration;
- Ability to maintain collegial working relationships;
- Demonstrated leadership; and
- Subject matter expertise.

The committee also tries to select nominees who represent diverse backgrounds, experiences, and geographic locations. Council and advisory committee members do not serve a specific constituency but rather act in the best interests of the public and the entire court system.

## JUDICIAL COUNCIL

The Judicial Council (chaired by the Chief Justice) was created by constitutional amendment. It provides the courts, the Gover-

nor, and the Legislature with policy direction concerning court practices, procedures, and administration. The council is directly responsible for:

- Establishing direction and setting priorities for the continuous improvement of the court system;
- Promulgating rules for administration, practices, and procedures in the courts;
- Sponsoring and taking positions on legislation that affects the California judicial system;
- Approving budgets for the California judicial branch;
- Approving reports to the Legislature; and
- Responding to appropriate mandates from the Legislature.

Particular organizations submit nominations for several of the vacancies on the Judicial

Council, as specified in article VI of the California Constitution and in the California Rules of Court. Following are the vacant positions that the Chief Justice will fill for a three-year term commencing September 15, 2004:

- Appellate court justice (1)
- Superior court judge (3)
- Court administrator (1)
- Attorney (1)

## ADVISORY COMMITTEES

To provide leadership for advancing the consistent, impartial, independent, and accessible administration of justice, the Judicial Council must be aware of the issues and concerns confronting the judiciary, as well as appropriate solutions and responses. The council carries out this mission with help from its advisory committees and task forces.

The committees advise the council as it studies the condition of court business and works to improve judicial administration. The committees monitor areas of continuing significance to the justice system and make recommendations to the council. To find out the purpose and current membership of each committee, or to complete an interest card online, visit [www.courtinfo.ca.gov/courtadmin/jc/nomform.htm](http://www.courtinfo.ca.gov/courtadmin/jc/nomform.htm).

The Chief Justice appoints advisory committee members according to positions prescribed in the California Rules of Court and by statute. Terms of service on a committee are generally three years and begin on November 1.

● By mid-April, position vacancy information and nomination and application forms will be available for downloading from the California Courts Web site at [www.courtinfo.ca.gov/courtadmin/jc/nomform.htm](http://www.courtinfo.ca.gov/courtadmin/jc/nomform.htm), or they can be completed online. For more information, contact Secretariat, Administrative Office of the Courts, 415-865-7640; e-mail: [jcservices@jud.ca.gov](mailto:jcservices@jud.ca.gov). ■

# Join a CJER Education Committee

Beginning in April, the Governing Committee of the Center for Judicial Education and Research (CJER) will accept applications for 19 of its education committees.

## CURRICULUM-BASED COMMITTEES

This year's selection of new committee members continues CJER's process of developing a formal curriculum for judicial branch education. The process, which officially began in 2000, included converting CJER's existing ad hoc, event-based planning committees to permanent audience-specific or subject matter education committees.

According to CJER Director Karen Thorson, in event-based education the focus is on filling a distinct time slot, and there is a tendency for each educational event to be recreated every time it is planned. In contrast, a curriculum-based process allows for permanent committees with rotating memberships. Each committee creates an overall curriculum for its topic area, which then becomes the basis for a focused delivery plan.

"California is the only state that has this type of curriculum-based educational model for its judiciary," adds Ms. Thorson.

## APPLICATION PROCESS

In conjunction with its distribution of information on Judicial Council advisory committee nominations, the AOC will mail application packets for the education committees to the courts and post them to the public California Courts Web site at [www.courtinfo.ca.gov/courtadmin/jc/nomform.htm](http://www.courtinfo.ca.gov/courtadmin/jc/nomform.htm). The packets will include a summary of each committee's responsibilities and requirements for membership.

The CJER Governing Committee will appoint the new members in September. All terms of service will be for three years, running from November 1, 2004, through October 31, 2007.

Applications can be submitted online, via e-mail, or by fax. The deadline to submit applications is June 30.

● For more information, contact Barbara Jo Whiteoak, CJER, 415-865-7800; e-mail: [barbara.whiteoak@jud.ca.gov](mailto:barbara.whiteoak@jud.ca.gov). ■

## CJER Education Committees

Following are the CJER education committees that are receiving applications for membership.

Appellate Judicial Attorneys Education Committee  
Appellate Justices Education Committee  
Civil Law Education Committee  
Collaborative Courts Education Committee  
Continuing Judicial Studies Education Committee  
Court Security Education Committee  
Court Staff Education Committee  
Criminal Law Education Committee  
Fairness Education Committee  
Family Law Education Committee  
Judicial Ethics Education Committee  
Judicial Technology Education Committee  
Juvenile Law Education Committee  
Managers and Supervisors Education Committee  
New Judge Education Committee  
Presiding Judges and Court Executives Education Committee  
Probate and Mental Health Education Committee  
Rural Courts Education Committee

## Nominations Sought for National Award

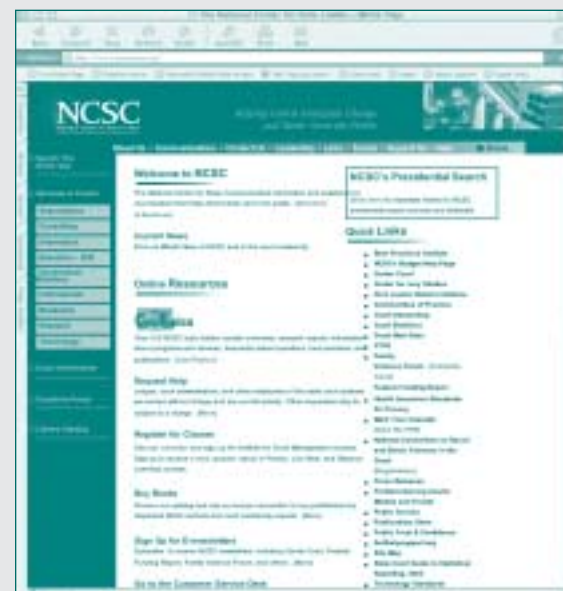
The National Center for State Courts (NCSC) will accept nominations in May and June for the William H. Rehnquist Award for Judicial Excellence.

The award is presented to a state court judge who possesses the qualities of judicial excellence exemplified by William H. Rehnquist, Chief Justice of the U.S. Supreme Court. Nominees should have at least 15 years of experience on state courts of appellate, general, limited, or special jurisdiction and should have demonstrated the following qualities: integrity, fairness, open-mindedness, knowledge of the law, adherence to professional ethics, creativity, sound judgment, intellectual courage,

and decisiveness. Nominees also should have promoted innovations of national significance in the management of state courts and provided leadership, at the national or state level, toward improving systems of justice.

Past California recipients of the Rehnquist Award include Chief Justice Ronald M. George (2002) and Judge Veronica McBeth of the Superior Court of Los Angeles County (1998).

● For more information, visit NCSC's Web site at [www.ncsconline.org/](http://www.ncsconline.org/) or contact Shelley Fischer, National Center for State Courts, P.O. Box 8798, Williamsburg, VA 23187-8798, 800-877-1233.





## Education & Development

### 2004 Family Dispute Resolution Institute

Family dispute resolution program managers, evaluators, investigators, and child custody and juvenile dependency mediators from throughout California will come together at the Hollywood Renaissance Hotel on April 22-23 for the Center for Families, Children & the Courts' (CFCC) Family Dispute Resolution Statewide Educational Institute. The program will focus on providing training that meets statutory continuing education requirements for family court and juvenile dependency practitioners.

Numerous workshops and plenary sessions will feature statewide and national experts speaking on such topics as mediation skills, domestic violence, child sexual abuse, juvenile dependency mediation, supervised visitation, testifying, report writing, children and trauma, ethics, and mental health issues. Other topics include case law updates and current research.

● For more information, contact Dave Bressler, 415-865-7703; e-mail: dave.bressler@jud.ca.gov, or visit CFCC's Web site at [www.courtinfo.ca.gov/prgrams/cfcc/resources/calendar/](http://www.courtinfo.ca.gov/prgrams/cfcc/resources/calendar/).

### Distance Education Update

Following is an update on distance education initiatives in the judicial branch.

#### SATELLITE BROADCASTS

*Inside Justice* is a new AOC-TV series for judges, court administrators, and research attorneys. It presents facts, analysis, and discussions with experts on cutting-edge issues affecting the justice system. The series premiere on January 21 featured Michael Nash, Supervising Judge of the Los Angeles Juvenile Court, and William Patton, Director of Whittier Law School's Legal Policy Clinic,

discussing public access to juvenile dependency proceedings. The next broadcast airs April 14 and will address the issue of cameras in the courtroom.

*Inside Justice* joins two existing educational broadcast series for judicial officers that debuted last year in the AOC-TV lineup. *Today's Law* provides viewers with timely reviews of recent or pending case law and legislation. The *Great Minds* broadcasts invite judicial officers to explore complex interdisciplinary topics that are traditionally offered in limited-enrollment programs. Remote participants in *Inside Justice* and *Great Minds* broadcasts can submit questions by fax and hear them answered live, as well as download relevant resource materials from associated pages on the Serranus Web site.

In addition to its series, AOC-TV continues to offer educational broadcasts for court supervisors and staff on a variety of issues. Topics now include integrated disability management, sexual harassment training, and operational subjects such as how to handle unlawful detainer cases and how to use the new plain-language civil jury instructions adopted by the Judicial Council last fall.

#### ONLINE EDUCATION

The Administrative Office of the Courts (AOC) recently introduced a CD-ROM that offers self-paced online courses for court staff. The CD contains training courses on personal safety, personal security, ethics, and handling change. These courses are also available on the COMET Web site. Later this year, the California Center for Judicial Education and Research (CJER) anticipates launching an additional online course on customer service.

CJER produces online courses directed at judicial officers new to the bench or to a particular assignment. It launched a juvenile dependency course in February and expects to release more courses in the family law area later this year.

● For more information on broadcasts and online courses, visit the COMET Web site at

[www2.courtinfo.ca.gov/comet/](http://www2.courtinfo.ca.gov/comet/), go to CJER's site on Serranus at <http://serranus.courtinfo.ca.gov/education/>, or contact Jay Harrell, AOC's Education Division/CJER, 415-865-7753; e-mail: jay.harrell@jud.ca.gov.

### Conference Promotes Effective HR Practices

Judicial branch human resources (HR) leaders will gather May 6-7 at the Sheraton Grand Hotel in Sacramento for the AOC's third annual Human Resources Conference. The event offers HR professionals in the courts a means of networking, building relationships, sharing knowledge and resources, and promoting the best HR practices across the state.

The conference's theme, "Navigating the Seas of Change," reflects the continuing transformation in California's trial courts in regard to HR services. Plenary sessions and workshops will cover all aspects of human resources, including workforce management and development, compensation strategy, performance management, legal updates, and trends in labor and employee relations.

## Resources

### Judicial Leadership Directory Updated

Capitol Enquiry, publisher of the *Pocket Directory of the California Legislature* and the *California State Agency Directory*, in February published an updated directory of the state's judicial leaders. The *Pocket Directory of California Judicial Leaders* is a 119-page booklet that includes rosters and contact information for Supreme Court justices, appellate court presiding justices and clerk/administrators, and presiding judges and executive officers of the superior courts, as well as the members of the Judicial Council and its committees and task forces.

The directory also includes a chart of the California judicial branch, a calendar of key dates for the judiciary, maps of appellate districts and superior court jurisdictions, and facts on the California judicial system.

Compiled in cooperation with the Administrative Office of the Courts (AOC), the directory was distributed in February to judicial leaders, the courts, and representatives of the other branches of state government. Additional copies for the courts are available

#### NEW AWARD PROGRAM

This year, the conference planning committee—which includes court executive officers and HR professionals in the courts—added to the agenda the Judicial Branch Human Resources Innovation Award Program, a feature designed to encourage innovative HR practices in the judicial branch. The conference registration announcement will contain criteria for the awards.

#### KNOWLEDGE FAIR

This year's Knowledge Fair will provide another opportunity for court staff to network and share information. Space will be provided for courts to display and demonstrate any HR program or project that would be informative or useful for their court colleagues. A select group of vendors with approved statewide contracts also are being invited to attend the Knowledge Fair so that conference attendees can get an overview of the statewide HR services and programs currently available to them.

● For more information about the conference, contact Tiffany Lawrence, 415-865-8864; e-mail: tiffany.lawrence@jud.ca.gov. For judicial branch HR information, visit <http://serranus.courtinfo.ca.gov/programs/hr/>. ■

from the AOC; others can buy the directory from Capitol Enquiry for \$19.95 (order at [www.capenq.com/](http://www.capenq.com/)).

● For additional copies of the *Pocket Directory of California Judicial Leaders*, call the California Courts Infoline at 800-900-5980 or e-mail pubinfo@jud.ca.gov.

### New Guide on Native American Law

A new reference guide provides information on California law as it relates to Native Americans, such as jurisdictional issues that arise in civil and criminal matters and the rules and statutes that apply to Indian child welfare cases.

The *Native American Resource Guide for Bench Officers* highlights social and legal issues surrounding the Native American population that are often misunderstood by the law enforcement community, the courts, and other county and state officials. It provides insight into the diversity of tribal justice traditions and the interactions among state and federal laws and regulations that apply to Native Americans in the state. According to the 2000 U.S. Census, approximately 345,000 American Indian and Alaska Native persons reside in California (constituting 1 percent of the total population).

*Continued on page 14*

### New Online Course on Juvenile Dependency

A new online self-study course on juvenile dependency hearings covers topics such as the sequence of hearings, necessary findings, and terminology. The course, available at <http://serranus.courtinfo.ca.gov/education/jdep/>, is especially useful to judicial officers recently appointed to juvenile court and provides a convenient refresher for more experienced judges.

● For more information, contact Jeffrey Shea, AOC's Education Division/CJER, 415-865-8703; e-mail: jeffrey.shea@jud.ca.gov.





## Resources

Continued from page 13

The guide provides information on numerous subject areas, including federal Indian law, tribal sovereignty, tribal courts, jurisdiction, housing, religious freedom, employment practices, taxation, and land rights. It also offers notes on landmark U.S. Supreme Court decisions and brief summaries of selected statutes that affect Indian tribes. The guide was developed by the Judicial Council's Access and Fairness Advisory Committee in conjunction with the National Indian Justice Center.

● To view the guide, visit the Access and Fairness section of the Serranus Web site at [http://serranus.courtinfo.ca.gov/jc/documents/na\\_resource\\_guide.pdf](http://serranus.courtinfo.ca.gov/jc/documents/na_resource_guide.pdf). For more information, contact Clifford Alumno, AOC's Office of the General Counsel, 415-865-7683; e-mail: [clifford.alumno@jud.ca.gov](mailto:clifford.alumno@jud.ca.gov).

## NCSC Releases Annual Trends Report

State courts in 2003 faced numerous social issues, among them the increasing numbers of self-represented litigants, divorces, and overcrowded prisons. To address these challenges, courts collaborated closely with other institutions such as legal aid societies and child welfare agencies. This collaborative strategy was one of the dominant trends tracked in the *2003 Report on Trends in the State Courts*, published in January by the National Center for State Courts (NCSC).

The annual report explores the preceding year's nationwide trends and explains their relevance to state court operations. It tracks trends in many areas, including technology, inter-branch relations, and the role of the judge and jury in death penalty cases. The report provides updates on the responses of state courts to the current budget crunch and the status of committees formed to analyze judicial campaign conduct. The "What to Watch" section examines challenges posed for courts by offenders who suffer from mental illness and discusses a variety of changes in the regulation of the legal profession.

The trends report is accompanied by the 2003 edition of *An Environmental Scan for the State Courts*, which examines emerging issues beyond the justice system that may have impacts on the courts. This publication perennially addresses issues such as pollution, international trade agreements, and homeland security.

● To view the *2003 Report on Trends in the State Courts* and *An Environmental Scan for the State Courts*, visit [www.ncsconline.org/D\\_KIS/Trends/](http://www.ncsconline.org/D_KIS/Trends/). Printed copies of NCSC publications can be ordered from the National Center for State Courts by visiting <http://www.ncsconline.org/>. ■

## Court Briefs

### Senators Hear Effects of Budget Cuts

Senate hearings being held around the state are enabling legislators to hear firsthand about the potential impacts of proposed fiscal year 2004-2005 reductions in the judicial branch budget on local court programs and services.

At the Senate Select Committee on Citizen Participation hearings, organized by Senator Joseph Dunn (D-Garden Grove), presiding judges, court executive officers, attorneys, law enforcement officers, self-represented litigants, court employee representatives, and other court users and stakeholders provide input on access-to-justice issues; services that have already been curtailed due to prior- or current-year budget

reductions; and operational concerns such as health and safety, infrastructure, or service delays and backlogs. Senator Dunn chairs the select committee and the Senate subcommittee with jurisdiction over the judicial branch budget.

The first hearing was held in San Diego on February 18, followed by hearings in Los Angeles (March 5), Fresno (March 12), Oakland (March 18), and Santa Ana (April 2). The Administrative Office of the Courts' (AOC) Office of Governmental Affairs coordinated the testimony of presiding judges and court executive officers, who summarized the impacts on courts in their regions.

● For more information, contact Dia Poole, AOC's Office of Governmental Affairs, 916-323-3121; e-mail: [dia.poole@jud.ca.gov](mailto:dia.poole@jud.ca.gov).

Continued on page 15



The California court system's public Web site at [www.courtinfo.ca.gov/](http://www.courtinfo.ca.gov/) and Serranus, the courts' password-protected Web site at <http://serranus.courtinfo.ca.gov/>, continually add information and features to keep the public, judges, and court staff up to date on judicial programs and resources. Following are recent additions.

### Court Technology Updates

A new section of Serranus provides information on technology initiatives under way in the judicial branch, including overviews of the California Case Management System, the Court Accounting and Reporting System, the technology center, data integration and e-filing, telecommunications, and jury systems.

<http://serranus.courtinfo.ca.gov/programs/tech/>

### Resources For Self-Help Services

The Equal Access Project offers materials for courts, court-based self-help programs, and other non-profit providers of legal self-help services. Materials include sample instructional handouts developed by local courts as well as translations, brochures, program models, evaluation tools, and ideas for setting up self-help centers.

[www.courtinfo.ca.gov/programs/equalaccess/](http://www.courtinfo.ca.gov/programs/equalaccess/)

### Native American Resource Guide

The *Native American Resource Guide for Bench Officers* highlights social and legal issues of interest to the law enforcement community, the courts, and other county and state officials.

[http://serranus.courtinfo.ca.gov/jc/documents/na\\_resource\\_guide.pdf](http://serranus.courtinfo.ca.gov/jc/documents/na_resource_guide.pdf)

### Proposition 36 Materials Available

Videos and accompanying materials can be ordered from two recent Proposition 36 symposia designed for judicial officers with Proposition 36 calendars, district attorneys, and public defenders.

[www.courtinfo.ca.gov/programs/collab/documents/prop36vidmenu.pdf](http://www.courtinfo.ca.gov/programs/collab/documents/prop36vidmenu.pdf)

● Not a Serranus user? For access, e-mail [serranus@jud.ca.gov](mailto:serranus@jud.ca.gov).



At a Senate Budget Subcommittee hearing in Oakland, Superior Court of San Francisco Presiding Judge Donna J. Hitchens warned that further reductions in court budgets would severely reduce access to the courts and could force delays in civil cases. Superior Court of Alameda County Presiding Judge Barbara J. Miller, Superior Court of San Benito County Executive Officer Alex Calvo, other judicial leaders, law and justice experts, and members of the public also shared their views on how the proposed budget could affect the courts. The March 18 hearing was one of several held around the state by Senator Joseph Dunn (D-Garden Grove), chair of the subcommittee. Photo: Shelley Eades/The Recorder

## News From the AOC

The Administrative Office of the Courts publishes several newsletters about aspects of court business. Visit these online on the California Courts Web site at [www.courtinfo.ca.gov/](http://www.courtinfo.ca.gov/) or on Serranus, the password-protected site of the state judicial branch, at <http://serranus.courtinfo.ca.gov/>. To subscribe to any of the newsletters, e-mail [pubinfo@jud.ca.gov](mailto:pubinfo@jud.ca.gov).

### Capitol Connection

Monthly update on legislative issues affecting the judicial branch and information regarding the legislative process. Distributed monthly via e-mail. See [www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm](http://www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm).

### Court News

Award-winning bimonthly newsmagazine for court leaders, reporting on developments in court administration statewide. Indexed from 2000 at [www.courtinfo.ca.gov/courtnews/](http://www.courtinfo.ca.gov/courtnews/).

### HR Connect

Monthly update on human resources issues and programs in the state judicial branch. See [http://serranus.courtinfo.ca.gov/programs/hr/hr\\_connect.htm](http://serranus.courtinfo.ca.gov/programs/hr/hr_connect.htm).

## Spread The News

Tell *Court News* about innovative programs and services at your court so that we can share your experience with your colleagues.

Send the information via mail to:

Blaine Corren, *Court News*  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Phone: 415-865-7449

Fax: 415-865-4334

E-mail: [blaine.corren@jud.ca.gov](mailto:blaine.corren@jud.ca.gov)



Court Briefs

Continued from page 14

Court Program

Trains Hundreds

of Employees

By the close of 2003, more than 600 employees of the Superior Court of San Bernardino County had successfully completed training under the court's Classification and Training for Legal Assistants project.

Developed in 2001, the project requires assessment testing, cross-training, and job rotation for the court's legal assistants to raise their skill level. According to court officials, the project has enabled assistants to be more flexible in dealing with their fluctuating workloads. In

addition to achieving the goal of improving customer service, the court reduced employee turnover and improved morale.

"My goal was for any member of the public who walks into any court to be able to complete their business at that location by dealing with just one or, at the most, two employees," says Executive Officer Tressa Kentner. "The LPA class has the most public contact—they are the face and voice of the court to most people."

The classroom training covers all types of cases within the superior court jurisdiction, including jury and appellate cases. The training gives employees written resources to use when supervisor assistance is not available, and affords them the opportunity to ask questions of trainers who are experts in the field.

"We did this all within existing resources and staffing," adds Ms. Kentner. "Any court—even very small courts—could implement this program, building on the foundation work of San Bernardino. We would be happy to share our guidelines, written procedures, training curriculum, and competency assessments with any court interested in the program."

For more information, contact Tressa Kentner, 909-387-0140; e-mail: [tkentner@courts.sbcounty.gov](mailto:tkentner@courts.sbcounty.gov).

*This article was excerpted from the December 2003 edition of HR Connect, the monthly newsletter of the Administrative Office of the Courts' Human Resources Division.* ■



EXECUTIVE OFFICERS

José Octavio Guillén, Superior Court of Imperial County, succeeding Lyla Corfman. ■



The Consumer Attorneys Association of Los Angeles presented Chief Justice Ronald M. George with the George Moscone Memorial Award for Outstanding Public Service.

Chief Justice George was recognized for his efforts to protect the rights of all people and preserve the civil justice system. He commented: "Any successes I have achieved have been made possible only by the hard work and dedication of judges, court administrators, members of the bar, . . . and others committed to maintaining a strong and independent judicial system in our state."

The organization California Women Lawyers honored Justice Judith Lynnette Haller, Court of Appeal, Fourth Appellate District, with its Joan Dempsey Klein Distinguished Jurist Award.

The award honors recipients for their excellence as jurists and for long-standing, vigorous service to and inspiration of the women lawyers of California. California Women Lawyers promotes the advancement of women in the legal profession and is an active advocate for the concerns of women in society.

The California Supreme Court appointed Justice Laurence D. Rubin, Court of Appeal, Second Appellate District, to its Advisory Committee on Judicial Ethics.

Justice Rubin served as chair of the California Judges Association's Ethics Committee and has taught courses on judicial ethics for the Center for Judicial Education and Research. He fills the vacancy on the committee left by the retirement of Justice Richard David Fybel, Court of Appeal, Fourth Appellate District.

The Harriet Buhai Center for Family Law selected Judge Aviva K. Bobb, Superior Court Los Angeles County, to receive of its Zephyr M. Ramsey Award.

Judge Bobb was honored for being a creative, effective, and inspirational leader who has strengthened and expanded access to justice for disadvantaged persons. The Harriet Buhai Center for Family Law assists low-income families in Los Angeles through the efforts of more than 200 volunteer lawyers, paralegals, and students.

Steve Baron, Director of Family Court Services at the Superior Court of Santa Clara County, received the Outstanding Contribution by a Mental Health Professional award from the Santa Clara County Psychological Association.

The association selected Mr. Baron in appreciation for the domestic violence training that the court's family court services division has coordinated and furnished to the association's membership. The Santa Clara County Psychological Association's mission is to promote health and human welfare, stimulate research, and encourage the highest ethical standards in the practice of psychology.

The Superior Court of Santa Clara County's Juvenile Domestic and Family Violence Court was chosen as one of the top 50 programs in the 2004 Innovations in American Government Awards competition.

The juvenile and domestic violence court is a specialized problem-solving court that seeks to address problems at the earliest stage, provide appropriate assistance to victims, and break the cycle of violence. Harvard University's Ash Institute for Democratic Governance and Innovation administers the awards program, whose goal is to com-

municate about effective government practices, give recognition to especially effective programs, and improve government performance by identifying programs that may be worthy of replication.

*California Lawyer* magazine named Peter Belton as one of its 34 Attorneys of the Year. Mr. Belton is the former lead attorney for the late Supreme Court Justice Stanley Mosk and is currently with the AOC's Office of the General Counsel.

Mr. Belton was recognized for his work as chair of the Judicial Council's Appellate Rules Project Task Force, which in recent years undertook the first comprehen-

sive revision of the rules governing the appellate court system since they were drafted by Bernard E. Witkin in 1944. ■

Getting in Touch

The Administrative Office of the Courts (AOC) provides easy access to its staff through the AOC Phone List and AOC Subject Matter Referral List. The phone list contains contact numbers for all AOC employees, listed both alphabetically and by division and unit. The referral list provides contacts for information on specific topics, such as accounting, juvenile courts, and new judge education.

The AOC Phone List and AOC Subject Matter Referral List can be viewed at [http://serranus.courtinfo.ca.gov/documents/smr\\_list.pdf](http://serranus.courtinfo.ca.gov/documents/smr_list.pdf).

AOC-TV Guide

APR 13, California Courts News (CCN), 9:00 and 9:30 a.m.; 12:15 and 12:45 p.m.

APR 14, Inside Justice: Cameras in the Courtroom, 12:15–1:00 p.m.

APR 20, First Impressions: Communication in the Courthouse, 9:00–10:30 a.m.; 3:00–4:30 p.m.

APR 27, Continuing the Dialogue: *Brown v. Board of Education*, 9:00–10:00 a.m.; 12:00–1:00 p.m.; 3:00–4:00 p.m.

APR 30, Continuing the Dialogue: *Brown v. Board of Education* (rebroadcast), 2:30–3:30 p.m.; 3:30–4:30 p.m.

MAY 4, Orientation to the Judicial Branch, 9:00–10:00 a.m.

MAY 5, Today's Law: Probate Update, 12:15–1:15 p.m.

MAY 11, California Courts News (CCN), 9:00 and 9:30 a.m.; 12:15 and 12:45 p.m.

MAY 18, Court Operations Training for Supervisors, 9:00–10:30 a.m.; 3:00–4:30 p.m.

MAY 24, Domestic Violence Restraining Orders: Basics for Staff, 3:30–4:30 p.m.

MAY 25, Domestic Violence Restraining Orders: Basics for Staff, 9:00–10:00 a.m.

MAY 28, Domestic Violence Restraining Orders: Basics for Staff, 2:30–3:30 p.m.; 3:30–4:30 p.m.

JUN 1, Orientation to the Judicial Branch, 9:00–10:00 a.m.

JUN 8, California Courts News (CCN), 9:00 and 9:30 a.m.; 12:15 and 12:45 p.m.

JUN 9, Great Minds (topic to be determined), 12:15–1:15 p.m.

JUN 15, Court Operations Training for Supervisors, 9:00–10:30 a.m.; 3:00–4:30 p.m.

Jun 21, Court Operations Training for Staff, 3:30–4:30 p.m.

JUN 22, Court Operations Training for Staff, 9:00–10:00 a.m.

JUN 25, Court Operations Training for Staff, 2:30–3:30 p.m.; 3:30–4:30 p.m.

JUN 29, Continuing the Dialogue: *Brown v. Board of Education* (rebroadcast), 9:00–10:00 a.m.; 12:15–1:15 p.m.

(Broadcast times are subject to change.)

Viewing locations for each court are listed at <http://serranus.courtinfo.ca.gov/programs/aoc/tv/locations.htm>. For more information, contact Jay Harrell, 415-865-7753; e-mail: [jay.harrell@jud.ca.gov](mailto:jay.harrell@jud.ca.gov).





# Calendar

## CONFERENCES

- APR 19–23 Spring Judicial Education Week, Los Angeles
- APR 30–MAY 2 California Judges Association Midyear Meeting, Palm Springs
- MAY 6–7 Third Annual Judicial Branch Human Resources Conference, Sacramento
- JUN 2–5 National Association of Drug Court Professionals’ Drug Court Training Conference, Milwaukee
- JUN 13–25 B. E. Witkin Judicial College, San Francisco

## JUDICIAL COUNCIL MEETINGS

All Judicial Council business meetings will be held at the Administrative Office of the Courts in San Francisco unless otherwise noted.

APR 23 JUN 23

● Contact: Secretariat, 415-865-7640; e-mail: [jcservices@jud.ca.gov](mailto:jcservices@jud.ca.gov). Judicial Council meeting information is also posted on the California Courts Web site at [www.courtinfo.ca.gov/courtadmin/jc/](http://www.courtinfo.ca.gov/courtadmin/jc/).

## EDUCATION/TRAINING

### CJER Programs

- APR 13 Training Coordinators Conference, San Francisco
- APR 14 ADA Coordinators Conference, San Francisco
- APR 19–21 Family Law Institute (part of Spring Education Week), Los Angeles
- APR 19–21 Probate and Mental Health Institute (part of Spring Education Week), Los Angeles
- APR 19–23 Continuing Judicial Studies Program (CJSP): Spring Session (part of Spring Education Week), Los Angeles
- APR 21–23 Juvenile Law Institute (part of Spring Education Week), Los Angeles
- APR 21–23 Domestic Violence Courses (part of Spring Education Week), Los Angeles
- MAY 6–8 Cow County Judges Institute, Redding
- MAY 17 *Brown v. Board of Education* Symposium, Sacramento
- MAY 19 Appellate Judicial Attorneys Conference, San Francisco
- MAY 21 ADA/Access Coordinators Training, Burbank
- MAY 25 Appellate Judicial Attorneys Conference, Los Angeles
- MAY 27 Appellate Judicial Attorneys Conference, Fresno
- JUN 8 Assigned Judges Conference, Burlingame
- JUN 11 ADA/Access Coordinators Training, Sacramento

### Court Management

- APR 12 Managing @ Court: On Becoming a Leader, Burbank
- APR 14 Managing @ Court: On Becoming a Leader, San Francisco
- APR 28 Managing @ Court: Using Statistics in the Courts, San Francisco

- APR 29 Managing @ Court: Having Difficult Conversations, Sacramento
- MAY 5 Managing @ Court: Statistical Analysis, Burbank
- MAY 6 Managing @ Court: Coaching Skills, Sacramento
- MAY 12 Managing @ Court: Presentation Skills, Sacramento
- MAY 13 Leadership Expedition, Burbank
- MAY 18 Managing @ Court: Project Management, Sacramento
- MAY 20 Managing @ Court: Creating a Motivational Environment, Sacramento
- MAY 27 Managing @ Court: Building Your Court Team, Sacramento
- MAY 27 Leadership Expedition, teleconference
- JUN 3 Managing @ Court: Conflict Management, Sacramento
- JUN 10 Managing @ Court: Ethics for Managers, Sacramento
- JUN 16 Leadership Expedition, Burbank
- JUN 24 Managing @ Court: On Becoming a Leader, Sacramento
- JUN 30 Managing @ Court: Using Statistics, Sacramento
- JUN 30 Leadership Expedition, teleconference

### Qualifying Judicial Ethics Training, Second Cycle (QE2)

- |        |                         |        |               |
|--------|-------------------------|--------|---------------|
| APR 14 | Sacramento              | MAY 27 | Martinez      |
| APR 30 | Riverside, Palm Springs | JUN 2  | San Francisco |
| MAY 6  | Redding                 | JUN 3  | Martinez      |
| MAY 12 | San Francisco           | JUN 8  | Los Angeles   |
|        |                         | JUN 9  | Los Angeles   |

### Orientation

- APR 19–23 New Judge Orientation, San Francisco

### Computer Classes

- APR 20–22 Computer Courses for Judges (part of Spring Education Week), Los Angeles
- MAY 20–21 Computer Courses for Judges, Los Angeles

Note: Computer class students must have a Serranus user name and password to participate.

### Family Law

- APR 21–22 Spring 2004 Family Dispute Resolution Directors Meeting, Hollywood
- APR 22–23 Family Dispute Resolution Statewide Institute, Hollywood
- MAY 5 Judicial Decision Making in Sexual Assault Cases, Redding
- JUN 6–8 Enhancing Judicial Skills in Domestic Violence Cases (location to be determined)

### Emergency Preparedness and Continuity of Operation Plan Training

- MAY 11 Burbank
- MAY 12 Sacramento
- MAY 13 San Francisco

## COURT NEWS

is published bimonthly by the Judicial Council of California, Administrative Office of the Courts. It welcomes news about California’s courts and their programs, projects, and personnel. Editorial and circulation offices: 455 Golden Gate Avenue, San Francisco, CA 94102-3688, 415-865-7740, e-mail: [pubinfo@jud.ca.gov](mailto:pubinfo@jud.ca.gov)

© 2004 Judicial Council of California/Administrative Office of the Courts

*Chair, Judicial Council  
Chief Justice*  
Ronald M. George

*Administrative Director  
of the Courts*  
William C. Vickrey

*Chief Deputy Director*  
Ronald G. Overholt

*Office of Communications  
Manager/  
Executive Editor*  
James Carroll

*Managing Editor/Writer*  
Blaine Corren

*Contributing Writers*  
Diane Curtis  
Clifford Ham  
Lynn Holton  
Mark Pothier

*Copy Editor*  
Mary Nelson

*Design and Production*  
Suzanne Bean  
Sheila Ng

This newsmagazine is printed on 100 percent recycled and recyclable paper.



## COURT NEWS

Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Visit the California Courts Web site at  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

First Class Mail  
U. S. Postage  
PAID  
San Francisco, CA  
Permit No. 4118